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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,)	No. CR 3-05-70327 EDL
)	
13 Plaintiff,)	STIPULATION AND PROTECTIVE
)	ORDER RE: DISCOVERY OF
14 v.)	CHILD PORNOGRAPHY
)	
15 THOMAS KEITH CASEBEER,)	
)	
16 Defendant.)	
)	
17)	
18)	

19 Thomas Keith Casebeer is charged with one count of attempted receipt of child
20 pornography in violation of 18 U.S.C. § 2252A(a)(2)(A). The United States will produce to
21 counsel for the defendant in this case a mirror image of all digital media that was seized from the
22 defendant, including digital media that contains images of child pornography. Pursuant to the
23 child victim privacy provisions of 18 U.S.C. § 3509(d) and Federal Rule of Criminal Procedure
24 16, the parties stipulate, and the Court orders, that disclosure of these materials shall be subject
25 to the following restrictions:

26 1. Except when being actively examined for the purpose of the preparation of the
27 defense of defendant Casebeer, the digital media produced by the United States to defense
28 counsel, Edward Swanson, shall be maintained in a locked, safe, and secure drawer, cabinet, or

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1 safe which is accessible only to Mr. Swanson, his investigator, or his expert. Mr. Swanson, his
2 investigator, and the expert shall not permit any person access of any kind to the digital media
3 except as set forth below.

4 2. The following individuals may examine the digital media for the sole purpose of
5 preparing the defense of defendant Thomas Casebeer and for no other purpose:

6 a) Counsel for defendant, Edward Swanson, his associate, August Gugelman, and
7 his paralegal, Kristina Alexander;

8 b) Defendant Thomas Casebeer, but only in the presence of his attorney;

9 c) An expert retained by the defendant to assist in the defense of this matter; and

10 d) One investigator retained by the defendant to assist in the defense of this matter.

11 If defense counsel determines that additional experts are needed to review the material, he must
12 obtain a further order of the Court before allowing any other individual to review the material.

13 3. A copy of this order shall be maintained with the digital media at all times.

14 4. All individuals other than Mr. Swanson and defendant Thomas Casebeer who
15 receive access to the materials pursuant to this Order, prior to receiving access to the materials,
16 shall sign a copy of this Order acknowledging that

17 a) they have reviewed the Order;

18 b) they understand its contents;

19 c) they agree that they will only access the digital media for the purposes of
20 preparing a defense for defendant Casebeer;

21 d) they will not make any copies of any image files within the digital media without
22 further order of the Court;

23 e) they will not access the digital media from any computer that is connected to the
24 internet or to any local network; and

25 f) they understand that failure to abide by this Order may result in sanctions by this
26 Court and in state or federal criminal charges for possession or dissemination of
27 child pornography.

28 Counsel for the defendant, Mr. Swanson, shall promptly file with the Court signed

1 acknowledgments of this Order, ex parte and, at counsel's discretion, under seal.

2 5. No other person may be allowed to examine the material without further court
3 order. Examination of the digital media shall be done in a secure environment which will not
4 expose the materials to other individuals not listed above.

5 6. No copies of any image files contained in the digital media may be made without
6 further court order. The prohibition on copying includes (1) printing out images onto paper or
7 film and (2) duplicating the images in any digital format. Non-image files such as word
8 processing files, emails, and other text files may be duplicated to the extent necessary to prepare
9 the defense of this matter.

10 7. The computer from which the digital media will be accessed shall not be
11 connected to the Internet or to any other computer network.

12 8. Any pleadings that include or make reference to the above-described materials or
13 their contents shall be filed under seal.

14 9. Within five court days of the judgement and sentencing hearing in this matter, all
15 material provided to defense counsel pursuant to this Order, and all other authorized copies, if
16 any, shall be returned to the United States. The United States shall destroy them. If defendant
17 believes that he must maintain the material for any reason related to appeal, defendant must seek
18 authorization from the District Court within five days of the sentencing and judgement in this
19 matter.

20 IT IS SO STIPULATED:

21 DATED: 3/15/06


/s/ Edward Swanson
EDWARD SWANSON
Attorney for defendant Thomas Casebeer

23 DATED: 3/17/06

/s/ Monica Fernandez
MONICA FERNANDEZ
Assistant United States Attorney

25 IT IS SO ORDERED.

26 DATED: March 17, 2006


BERNARD ZIMMERMAN
United States Magistrate Judge